

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JASON WAYNE NAILLIEUX, et al,

Plaintiffs,

1:18-cv-0889 (BKS/DJS)

v.

UNITED STATES MINT (MONEY),

Defendant.

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**APPEARANCES:**

Jason Wayne Naillieux  
Washington, DC 20001  
*Plaintiff, pro se*

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Presently before the Court is Plaintiff's Amended Complaint filed on September 14, 2018. (Dkt. No. 8). The Amended Complaint was referred to United States Magistrate Judge Daniel J. Stewart who, on October 1, 2018, issued a Report-Recommendation recommending that the Amended Complaint be dismissed with prejudice under 28 U.S.C. § 1915 for failure to state a claim. (Dkt. No. 10). Magistrate Judge Stewart noted that the Amended Complaint "is a somewhat rambling document that does not specifically identify the particular factual or legal basis on which Plaintiff seeks relief," and concluded that it "simply does not set forth a comprehensible claim for relief." (*Id.*, at 2). Noting that Plaintiff had previously been provided with an opportunity to amend, Magistrate Judge Stewart concluded that dismissal with prejudice was warranted. (*Id.*, at 3). On March 4, 2019, Plaintiff submitted a two-page letter that has been

docketed as “Objections” to the Report-Recommendation. (Dkt. No. 24).<sup>1</sup>

This court reviews *de novo* those portions of the Magistrate Judge’s findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. “A proper objection is one that identifies the specific portions of the [report-recommendation] that the objector asserts are erroneous and provides a basis for this assertion.” *Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) (internal quotation marks omitted). Properly raised objections must be “specific and clearly aimed at particular findings” in the report. *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009). “[E]ven a pro se party’s objections to a Report and Recommendation must be specific and clearly aimed at particular findings in the magistrate’s proposal . . . .” *Machicote v. Ercole*, No. 06-CV-13320, 2011 WL 3809920 at \*2, 2011 U.S. Dist. LEXIS 95351, at \*4 (S.D.N.Y. Aug. 25, 2011) (citation omitted). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.*

The Court has reviewed Plaintiff’s submission, (Dkt. No. 24), and is unable to decipher any specific objection to Magistrate Judge Stewart’s determination that the Amended Complaint “does not set forth a comprehensible claim for relief.” (Dkt. No. 10, at 2). The Court’s review is therefore for clear error. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Stewart’s Report-Recommendation (Dkt. No. 10) is

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<sup>1</sup> The Court issued three extensions of the time for filing objections to the Report-Recommendation as a result of Plaintiff’s changes of address. (Dkt. Nos. 13, 18, 23).

**ADOPTED** in all respects; and it is further

**ORDERED** that Plaintiff's Amended Complaint be **DISMISSED with prejudice**, under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim; and it is further

**ORDERED** that the Clerk serve a copy of this Order on the plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "Brenda K. Sannes", written over a horizontal line.

**Brenda K. Sannes**  
**U.S. District Judge**

Dated: March 29, 2019  
Syracuse, New York